



LOUISBURG PLANNING COMMISSION MEETING MINUTES WEDNESDAY APRIL 1, 2015

Note: The March 25, 2025 Planning Commission meeting was rescheduled. The meeting was held on April 1, 2015. This was done to facilitate Item 5: 15001-TXA (Text Amendment), Terms and Definitions Relating to Child Care Establishments. Additional time was required for proper public notice. Established timelines did not meet Applicant's deadline for grand opening of a Group Day Care Home located at 104 South 1st Street.

The Planning Commission of the City of Louisburg, Kansas met at 7:00 p.m. in the City Hall Council Chambers with Chairperson Andy Sauber presiding.

ATTENDANCE:

Commission Members: Nate Apple, Brandon Fosbinder, Scott Hipp, Rick Phillips, Anne Smith, and Gus Straughen, Les Page

City Administrator: Rita Cassida (Representing)

City Council: David Cannon, Jean Carder

Recording Secretary: Rusty Whitham

Visitors: Erin Ptacek, Aaron Stohs, and Kelly Stohs

ITEM 1: ROLL CALL

ITEM 2: ADOPTION OF THE ADGENDA:

A motion was made by Anne Smith to adopt the agenda as submitted. The motion was seconded by Les Page. Motion passed 8-0.

ITEM 3: APPROVAL OF THE MINUTES:

A motion was made by Brandon Fosbinder to approve the minutes from the February 25, 2015 Planning Commission Meeting. The motion was seconded by Gus Straughen and passed 7-0. Les Page abstained.

ITEM 4: PUBLIC COMMENTS: Persons who wish to address the Planning Commission regarding items not on the agenda may do so at this time. Speakers will be limited to three (3) minutes. Any presentation is for information purposes only.

None

PUBLIC HEARING BUSINESS ITEMS:

ITEM 5: 15001-TXA (Text Amendment) - Terms and Definitions Relating to Child Care Establishments

Chairperson Andy Sauber asked Rita Cassida if there is any additional information that was not included in the packets that needs to be discussed by the Planning Commission. Cassida replied with no. Nate Apple asked if we are just mirroring the terms used by the Kansas Department and Environment (KDH&E) with our Zoning Regulations. Cassida replied yes. She explained that things have changed since our Zoning Regulations were adopted and it may be a good idea to update our Zoning Regulations to reflect current terms and definitions. KDH&E oversees Child Care facilities by establishing State Regulations, issuing licenses and performing inspections.

Chairperson Andy Sauber opened this topic for public comment. No public comment was made. Sauber then closed this portion of the discussion.

Nate Apple made a motion to adopt the terms and definitions used by KDH&E to describe Child Day Care Facilities to the 2010 Zoning Regulations. The motion was seconded by Anne Smith and passed 8-0.

The new terms and definitions can be found in the below KDH&E Regulations:

- Kansas Laws and Regulations for Licensing Day Care Homes and Group Day Care Homes for Children, Dated July 2014
- Kansas Laws and Regulations for Licensing Preschools & Child Care Center, Dated July 2014

NON-PUBLIC HEARING BUSINESS:

ITEM 6: Site Plan Waiver / Change of Use – 104 South 1st Street, establishment of a Home Daycare, Erin Ptacek

Rita Cassida explained that the property located at 104 South 1st Street is currently within the R-1 Single Family Zoning District. The owner (Erin Ptacek) wishes to establish a Group Day Care Home on the property. Now that the Zoning Regulations have been updated with Text Amendment 15001-TXT (See Item 6), properties within the R-1 Zoning District are now allow Group Day Care Home facilities.

Chairperson Andy Sauber added that the property owner was originally directed by Staff to complete a Rezoning Application to change the property to the C-3 District and pay a \$300 fee. Since then, Staff discovered that the 2010 Zoning Regulations were out of date concerning the topic of Child Day Care establishments. The Planning Commission updated our Zoning Regulations with 15001-TXT and now the Rezoning process is no longer needed. Sauber asked, since the Text Amendment was directed by the Planning Commission, should the \$300 fee be refunded to Erin Ptacek. Rita Cassida stated that the \$300 Refund is at the Planning Commission's discretion.

All agreed that the Zoning Regulations needed to be updated as directed by the Planning Commission. There is no need to rezone the property.

Rita Cassida mentioned that Staff has no Stipulations associated with this Site Plan Waiver.

A motion was made by Les Page to approve the Site Plan Waiver. This waiver will allow the Owner to establish of a Group Day Care Home located at 104 South 1st Street. This motion is without stipulations and will require the \$300 fee to be refunded to the property owner (Erin Ptacek). The motion was seconded by Gus Straughen and passed 8-0.

ITEM 7: 15002-SP - 415 South Metcalf (Vet Clinic): This is a continuing conversation with Aaron Stohs concerning site stipulations and Certificate Occupancy.

Rita Cassida stated that are two previously stipulated items unresolved with the Wildcat Veterinary Clinic located at 415 South Metcalf. As directed by the Planning Commission on December 10, 2014, all stipulation items are to be resolved prior to the issuance of the final Certificate Occupancy. The opens items are; the trash dumper located on the N/E corner of the property shall be fully enclosed and a 5' sidewalk shall be installed on the South side of the property along South 5th Street East in accordance with Section 618.G of the City Zoning Regulations.

Cassida explained that the dumpster is located partially on the neighbor's property to the north. Aaron Stohs is having difficulties negotiating the full concealment of this trash dumpster with his neighbor. This issue has not been resolved.

Cassida then mentioned that after further research, Staff has determined that there is an additional option that may be considered instead of installing a sidewalk on the Southside of the property. Cassida provided at copy of City Ordinance 847 to all Planning Commission Members. The Owner of Wildcat Veterinary Clinic may provide capital to the City Sidewalk Fund in lieu of building a sidewalk on his property. Cassida suggested that Planning Commission has previously assessed a \$25 per lineal foot of sidewalk fee to property owners where sidewalks were not desired. She referenced Starbrooke Villas as an example. The Developer was charged \$25 per lineal foot of sidewalk. Cassida ended by saying that its Staff's opinion, if sidewalks are not installed throughout the entire length of South 5th Street East, a safety hazard may be created. Installing a sidewalk may not be beneficial

Aaron and Kelly Stohs also believe that installing a sidewalk on his property only may create a safety hazard. The new sidewalk may prompt pedestrians to avoid the established crosswalk. Aaron Stohs also suggested that a \$25 per lineal foot fee may be too excessive. Stohs mentioned that he can have a sidewalk installed on his property for far less than the fee. Rita Cassida added that the Planning Commission may consider lowering the \$25 fee. She cautioned the Planning Commission by saying if we choose to lower fee in this instance; the lower fee shall also apply to all Applicants from this day forward.

Anne Smith suggested that a sidewalk should be installed to include the entire length of South 5th Street East. She mentioned that a safety hazard already exists in this area. She asked, at what point will the Planning Commission require sidewalks to be installed. This is a school zone that is heavily used by pedestrians to include children. She cited pedestrian traffic that exists during football games. Cassida replied, if enough people approach the City Council with safety

concerns, the city may require property owners to place a sidewalk on their lots at their own expense. The City may also receive grant money to install sidewalks in school zones. Until then, this issue may not be resolved.

Cassida mentioned that the Planning Commission may recommend to the City Council to require property owners to install sidewalks along South 5th Street East.

After additional discussion, most Planning Commission members agreed that requiring Wildcat Veterinary Clinic to install a sidewalk will create a safety hazard.

It was mentioned that the option to have property owners provide funding to the Sidewalk Fund instead of building sidewalks have occurred many occasions in the past. Specific instances were cited.

A motion was made by Les Page made to approve the Site Plan Waiver for the Wildcat Veterinary Clinic located at 415 South Metcalf with the following stipulations:

1. In accordance with City Ordinance 874 the Owner (Aaron Stohs) of Wildcat Veterinary Clinic located at 415 South Metcalf shall provide \$12.50 per lineal foot of sidewalk to City Sidewalk fund. This arrangement is in lieu of constructing a 5' Sidewalk on the South side of the property along South 5th Street East. The Planning Commission has determined that constructing of a sidewalk at that location will create a safety hazard. The Owner shall not construct a sidewalk. Payment to the Sidewalk Fund shall be made by September 1, 2015. If a sidewalk is required at a later date, funding shall come from the City Sidewalk fund.
2. Owner shall make arrangements to fully enclose the dumper located on the N/E corner of property. The dumpster shall be fully enclosed by September 1, 2015. Planning commission directs Staff to assist the Applicant in resolving the shared dumpster issue with the adjacent property owners.

The motion was seconded by Gus Straughen and passed 7-1.

ITEM 8: 15003-SP (Site Plan) – 215 South Broadway (City Hall)

After an extensive discussion concerning the City Hall Site Plan, a motion was made by Nate Apple to approve the City Hall Site Plan with the following stipulations:

1. Northside of building shall have at minimum three vertical pilasters/piers.
2. Illuminated off-street parking and loading areas shall be directed away from residential properties in such a way as not to interfere with the residential use.
3. An independent third party Engineer review shall be required to ensure that the building meets the 2003 International Building Code (IBC). This review shall include the steel girders.

The motion was seconded by Les Page and passed 8-0.

OLD BUSINESS: Any old business the Commission may wish to discuss.

ITEM 9: Master Urban Trail Plan Discussion

An informational discussion occurred that resulted with no vote or required action by the Planning Commission. It was agreed that the Planning Commission and Park and Tree Board should work jointly to update and make changes to the Master Urban Trail Plan as needed.

ITEM 10: NEW BUSINESS:

ITEM 11: REPORTS:

None

ITEM 12: ADJOURNMENT:

A motion was made by Les Page to adjourn the meeting. Second was made by Rick Phillips. The motion passed 8-0. Meeting adjourned at 8:17 p.m.

**Submitted by Rusty Whitham
Recording Secretary**